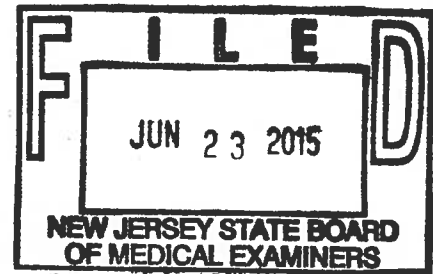


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF Medical Examiners

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
Michael Driscoll, D.O.	:	Administrative Action
License No. 25MB07868300	:	
	:	
	:	CONSENT ORDER
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the Medical Practitioner Review Panel upon receipt of an Adverse Action Report submitted by Lourdes Specialty Hospital of Southern New Jersey indicating that on October 1, 2013 the privileges of Michael Driscoll, D.O. ("Respondent") were revoked following complaints of sexual harassment. Various female staff members had alleged that Respondent made inappropriate comments with sexual innuendo, touched them without invitation and made inappropriate gestures. As a result of the allegations, disciplinary proceedings were initiated at Lourdes. Respondent ultimately waived his right to

a fair hearing without admission of wrongdoing and agreed to resign from the Medical Staff and the Medical Staff rescinded the revocation of Respondent's privileges. He further agreed that he would not re-apply for a period of two years and that he would have the burden of establishing by clear and convincing evidence that he has undertaken remediation which would prevent a reoccurrence of the behavior and conduct that precipitated the matter.

Respondent appeared and testified before the Medical Practitioner Review Panel regarding these allegations. He indicated that, on April 11, 2013, he was called to a meeting with Lourdes Hospital administration where he was told that a nurse made a complaint about him. He was not given specifics, and was told that he had offended the nurse with a comment sexual in nature. Nonetheless, he acknowledged to hospital management that his behavior was "out of line" and would not happen again. Respondent was required to watch a video on sexual harassment and undergo a six month focused evaluation.

Respondent acknowledged that, in August 2013, his co-workers also complained of unsolicited, unprofessional language and gestures and/or touching of an implied sexual nature. Respondent categorically denied some of the allegations and testified that he does not "recall doing anything that was flagrantly inappropriate, but the administration at Lourdes and

the nurse feels otherwise." He further stated that the comments he allegedly made were snippets of conversations and interactions that were taken out of context.

The Panel and the Board did not find Respondent's testimony to be credible and found that Respondent did not take the allegations seriously at the time they were made.

On the advice of counsel, Respondent had gone to the Professional Assistance Program and was referred to Dr. Fernandez, a psychiatrist who has performed evaluations for the Board, prior to his appearance before the Panel. Dr. Fernandez had no details regarding the allegations and ultimately recommended Respondent continue to participate in the PAP and that another occurrence of similar behavior would mandate more extensive and formal psychotherapy.

Following the Panel appearance, Respondent met with Dr. Fernandez again on October 31, 2014. In a written report dated November 3, 2014, Dr. Fernandez indicates that he reviewed the transcript of Respondent's appearance before the Panel in July 2014 as well as extensive records from Lourdes documenting numerous allegations. Fernandez noted that Respondent "does not deny that these events occurred in multitude. . . He now seems to understand that although he may have meant those comments humorously, that they were inappropriate to the situation at hand and had great potential for being misunderstood." Dr.

Fernandez ultimately concluded that Respondent exhibited immaturity and very poor judgment at the time of his actions but that he has moved quite significantly from the previous position and "can now be seen as a man who is aware, mindful, insightful and much more mature, regretful and remorseful and, in my opinion, at very little risk of repeating this unfortunate series of behaviors in the future."

The Board finds that Respondent's inappropriate and unprofessional treatment of hospital staff constitutes professional misconduct and sexual harassment in violation of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:35-6.3(h).

Respondent neither admits nor denies the specific findings made herein, but agrees to the entry of this Order for purposes of settlement with the Board. Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board having determined that this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order;

ACCORDINGLY, IT IS on this 23 day of June, 2015,

ORDERED THAT:

1. Respondent, Michael Driscoll, D.O. is hereby reprimanded for his conduct as described above.

2. Respondent shall immediately cease and desist the use of inappropriate and/or sexually charged language and conduct in professional settings or with professional co-workers.

3. Respondent shall pay a civil penalty in the amount of \$10,000 within thirty (30) days of the date this Order is filed. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Medical Examiners and mailed to the New Jersey State Board of Medical Examiners, ATTN: William Roeder, Executive Director, 140 East Front St., 2nd Floor, PO Box 183, Trenton, NJ 08608. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law.

4. Within six (6) months of the date this Order is filed, Respondent shall enroll in and successfully complete a course in professional boundaries which shall be approved in advance by the Board. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservations.

5. Within six (6) months of the date this Order is filed, Respondent shall enroll in and successfully complete an ethics course which shall be approved in advance by the Board. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservations.

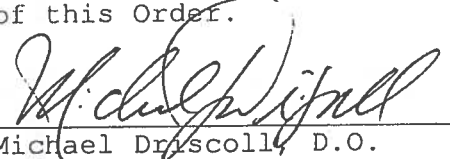
6. Respondent shall continue to enroll in and follow all recommendations of the PAP for no less than one year following the entry of this Order and until further Order of the Board.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

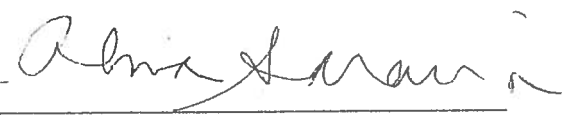
By: 

Stewart Berkowitz, M.D.
President

I have read and understand
the above Order and I agree
to be bound by its terms.
I hereby consent to entry
of this Order.


Michael Driscoll, D.O.

Consent as to form and entry:


Alma Saravia, Esq.
Attorney for Respondent

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.